

ENTERED

April 29, 2019

David J. Bradley, Clerk

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISIONJOHN SAIN (TDCJ #01373168),
et al.,

Plaintiffs,

v.

BRYAN COLLIER, et al.,

Defendants.

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CIVIL ACTION NO. H-18-4412

ORDER

On November 20, 2018, Plaintiff John Sain filed Plaintiffs' Class Action Complaint and Jury Demand ("Complaint") (Docket Entry No. 1) on behalf of himself and several other inmates confined by the Texas Department of Criminal Justice at the Luther Unit in Navasota. On March 22, 2019, the court received Defendants' Response in Opposition to Plaintiffs' Motion for Class Certification (Docket Entry No. 57) and a Motion for Summary Judgment on Behalf of Defendants Bryan Collier, James McKee, and the Texas Department of Criminal Justice ("Defendants' MSJ") (Docket Entry No. 59). On April 16, 2019, the court received Defendants' Supplement to Their Motion for Summary Judgment ("Defendants' Supplement") (Docket Entry No. 64), which includes an additional exhibit.

The plaintiffs have filed a number of motions, which the court

will address briefly below.

The plaintiffs have filed Plaintiffs' First Amended Special Notice with Request to the Court - Inmate Video Conferencing, With Appendix (Docket Entry No. 28) and Plaintiffs' Motion to Conduct Hearing by Video Teleconference (Docket Entry No. 34) on their request for class certification. Because it is not clear that a hearing is necessary, it is **ORDERED** that Plaintiffs' First Amended Special Notice with Request to the Court - Inmate Video Conferencing, With Appendix (Docket Entry No. 28) and Plaintiffs' Motion to Conduct Hearing by Video Teleconference (Docket Entry No. 34) are **DENIED** at this time.

The plaintiffs have filed Plaintiffs' First Amended Motion Requesting the Court to Appoint Class Action Counsel, or in the Alternative, Appoint Interim Counsel (Docket Entry No. 30) and Plaintiffs' Motion Requesting Exemption/Limitation on Disclosure/Discovery with Request for Class Counsel (Docket Entry No. 47). It is **ORDERED** that the plaintiffs' request to be excused from initial disclosure requirements found in Fed. R. Civ. P. 26(a)(1) (Docket Entry No. 47) is **GRANTED**.

It is further **ORDERED** that Plaintiffs' First Amended Motion Requesting the Court to Appoint Class Action Counsel, or in the Alternative, Appoint Interim Counsel (Docket Entry No. 30) and the request for appointment of counsel made in the plaintiffs' discovery motion (Docket Entry No. 47) are **DENIED** at this time,

subject to reconsideration after the court has ruled on the pending motion for class certification.

In addition, the plaintiffs have filed two Motions to Clarify Parties (Docket Entry Nos. 32, 45), seeking to remove Michael Cummings (TDCJ #02079838), Brandon Pruitt (TDCJ #02141885) and Brian Quintanilla (TDCJ #02110859) from the list of named plaintiffs.¹ It is **ORDERED** that the request to remove these inmates as named plaintiffs (Docket Entry Nos. 32, 45) is **GRANTED**.

The plaintiffs also request leave to add Eugene Boston (TDCJ #02075115), Salvador Capuchino (TDCJ #01675667), and Jesse Snearly (TDCJ #02042412) as plaintiffs (Docket Entry No. 45). It is **ORDERED** that the request to add these inmates as parties (Docket Entry No. 45) is **DENIED** at this time. The court will reconsider this request, if necessary, after it has ruled on Defendants' MSJ and the pending motion for class certification.

Finally, the plaintiffs have filed a motion for a 21-day extension of time to respond to Defendants' Response in Opposition to Plaintiffs' Motion for Class Certification (Docket Entry No. 65). The plaintiffs have also filed a motion for a 14-day extension of time to file a response to Defendants' MSJ (Docket Entry No. 66).

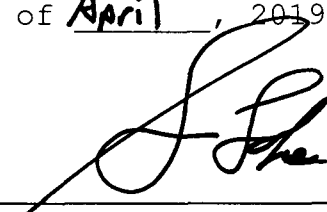
It is **ORDERED** that both of the plaintiffs' motions for an

¹To the extent that the plaintiffs ask the court to correct certain typographical errors on the docket sheet (Docket Entry No. 32), their request will be referred to the clerk's office.

extension of time (Docket Entry Nos. 65 and 66) is **GRANTED**. The plaintiffs shall file their responses no later than 21 days from the date of this Order.

The Clerk is directed to provide a copy of this Order to the parties.

SIGNED at Houston, Texas, on this 21st day of April, 2019.

A handwritten signature in black ink, appearing to read 'Sim Lake', is written over a horizontal line.

SIM LAKE
UNITED STATES DISTRICT JUDGE